

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Varsity Spirit Corporation,
Opposer

Opposition No. 91152530

v.

NSG Corporation,
Applicant

BOX TTAB,
NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

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APPEAL BOARD
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CONSENT MOTION TO SUSPEND OPPOSITION, UNDER 37 C.F.R. § 2.117(c)


Applicant, NSG Corporation, by its attorneys, and pursuant to, *inter alia*, 37 C.F.R. § 2.117(c), and TBMP § 510.03(a), herewith moves for a six-month suspension of the above-captioned proceeding, for purposes of concluding settlement negotiations, subject to the right of either party to request the resumption hereof, at any time. Opposer, Varsity Spirit Corporation, has consented to this *Motion*.

The parties are engaged in settlement discussions, and hope to resolve this dispute without the need for intervention by the Board. Whereas, the current closing date for discovery is April 18, 2003, and there are outstanding discovery disputes, this proceeding must be suspended if attentions are to be focused upon settlement proposals, rather than the continued conduct of discovery and the pursuit of filings before the Board. Accordingly, good cause exists for the relief sought.

Board proceedings may be suspended for good cause upon motion, or by stipulation of the parties. 37 C.F.R. § 2.117(c). Settlement negotiations comprise "good cause" for such suspension, under 37 C.F.R. § 2.117(c). See TBMP § 510.03(a); *MacMillan Bloedel Ltd. v. Arrow-M Corp.*, 203 USPQ 952 (TTAB 1979). Whereas, such settlement negotiations have commenced herein; whereas, this *Motion* is not tendered for purposes of delay, and whereas, Opposer has consented hereto, Applicant respectfully requests that this *Motion* be granted, and this proceeding suspended for six months, or until the filing of an earlier request for resumption by either party.

RESPECTFULLY SUBMITTED:

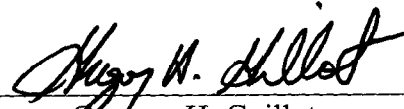
NSG CORPORATION, APPLICANT

By: 
Gregory H. Guillot
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202
(214) 651-5258
(214) 200-0533 (FAX)

April 15, 2003

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Consent Motion to Suspend Proceeding, Under 37 C.F.R. § 2.117(c)*, was mailed, first-class, postage prepaid, on this, the 15th day of April, 2003, to Grady M. Garrison, Esq., **Butler, Snow, O'Mara, Stevens & Cannada, PLLC** 6075 Poplar Avenue, Suite 500, Memphis, TN 38187, counsel to Opposer.



Gregory H. Guillot